

**SPECIAL COURT FOR SIERRA LEONE**  
**PRESS AND PUBLIC AFFAIRS OFFICE**

**PRESS CLIPPINGS**

**Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:**

Wednesday, June 02, 2004

The press clips are produced Monday to Friday.  
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Sierra Times

Wednesday June 2,

2004



President Obasanjo

## ***Nigeria Defies Special Court***

Agency Reports

*The government of Nigeria says it does not have any intention to hand over former Liberian President, Charles Taylor to the war crimes court in Sierra Leone.*

Mr. Taylor was indicted by the UN-backed Sierra Leone Special Court in March last year for war crimes and crimes committed against humanity during the war in Sierra Leone. He is currently exiled in Nigeria.

Speaking on BBC Focus on Africa yesterday, a senior official in the Nigerian Senate who pleaded not to be named said that the issue of handing over Mr. Taylor to the Special Court in Sierra Leone does not arise for now until there is an elected president in Liberia.

The Minister of Foreign Affairs, Oluyemi Adeniji said

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he was tired of hearing the issue of handing over Charles Taylor to the Special Court in Sierra Leone for trial. "So whoever wants to know about Taylor should go to Calabar and ask him if he wishes to go to Sierra Leone for trial," the Foreign minister said.

But another official in the Nigerian government said that Taylor should be handed over to the Special Court in Sierra Leone for trial. "Taylor should be extradited to Sierra Leone to account for his actions," the official said. On May 31, the Appeals Chamber of the Special Court for Sierra Leone ruled that former Liberian president, Charles Taylor was and is subject to Criminal Proceedings before the court in Freetown.

The ruling was delivered at the temporary courthouse and read out by the Court president, Justice Emmanuel Ayoolo. The Appeals Chamber ruled: "We hold that the official position of the Applicant as an incumbent Head of State at the time when these Criminal Proceedings were initiated against him is not a bar to his prosecution by this court. The Applicant was and is subject to Criminal Proceedings before the Special Court for Sierra Leone."

# Nigeria Again Refuses To Extradite Taylor

*The Nigerian government has insisted that it will not extradite Charles Taylor to Sierra Leone to face trial before the UN-backed Special Court for war crimes and crimes against humanity committed in Sierra Leone.*

## **Tejan Lamboi Reports**

Aso Rock said maintaining peace and stability in the sub-region was more paramount

than extraditing the former Liberian strongman. It insists it can only send Taylor after a democratically elected

government has been established in Liberia. Special Court recently ruled against a motion forwarded by Taylor's Defense Counsel, which argues that the court does not have the jurisdiction to try Taylor since he was covered by presidential immunity during the time of the indictment. It has since

**Contd. Back Page**

National Coordinator, Chief Sam Hinga Norman and other members of the CDF in the Special Court's detention facilities will stand trial for recruiting child soldiers.

The Appeals Chamber of the court in a majority decision

reached on Monday stated that recruitment of child soldiers was a crime throughout the period of the court's temporal jurisdiction. This means all the CDF indictees whose trial begins tomorrow will face child recruitment charges,

dismissing a preliminary motion forwarded by Norman's Defence Counsel, which argued that child recruitment was not a crime under international law at the time acts alleged in the indictment were committed.

The Democrat

Wednesday June 2, 2004

Concord Times

Wednesday June 2, 2004

# Recruitment of child soldiers is not a crime

## .... Former Special Court Prexy

Special Court's former President, Geoffrey Robertson Monday found that the recruitment of child soldiers was not a crime under international criminal law until July 1998 with the adoption of the Rome Statute that established the International Criminal Court. However, that did not prevent the Appeals Chamber from ruling that that the recruitment of child soldiers was a crime throughout the period of the Court's temporal jurisdiction. Currently facing this charge is head of the Kamajors, Chief Sam Hinga Norman among others and his Defence Counsel had argued that this was not a crime under international law to recruit child soldiers at the time of the acts alleged in the indictment.

According to the Appeals Chamber decision, "Prior to November 1996, the prohibition on child recruitment had crystallized as customary international law, as demonstrated by the widespread recognition and acceptance of the norm prohibiting child recruitment in these international instruments, reiterated in the 1990 African Charter on the Rights and Welfare of the Child."

It found that child recruitment was criminalized before it was explicitly set out as an international crime in treaty law and certainly by the time frame relevant to the indictments. The Preliminary Motion was dismissed

in accordance with the decision of the majority which means that alleged members of the Civil Defence Forces, whose trial begins Thursday, will face charges of child recruitment under Article 4(c) of the Court's Statute as set out in the indictments against them.

## **Sierra Leone: Landmark Rulings Advance Justice**

### ***Charles Taylor Not Immune from Prosecution, Child Recruitment a Punishable Crime***

(New York, May 31, 2004) – A landmark ruling today by Sierra Leone's war crimes court removes any legal basis for Nigeria continuing to harbor former Liberian president Charles Taylor, Human Rights Watch said today.

The Special Court for Sierra Leone ruled that sitting heads of state are not immune from prosecution before an international criminal tribunal or court. Human Rights Watch therefore urged the Nigerian government to turn Charles Taylor over to the Special Court to face trial for his alleged crimes.

In another important decision, the Special Court ruled today that it can prosecute the recruitment or use of children under the age of 15 as soldiers because it was a crime under international law during the entire period covered by the Special Court's authority. The recruitment and use of child soldiers is one of the charges against each of the 11 defendants from all warring factions indicted by the court, including Taylor.

The Special Court for Sierra Leone, which is backed by the United Nations, indicted Charles Taylor on 17 counts of war crimes and crimes against humanity for his role in contributing to the death, rape, abduction, and mutilation of thousands of civilians during Sierra Leone's civil war from 1991 to 2001. After being forced from power in August 2003, the former Liberian president is currently in exile in Nigeria.

"With this decision, Charles Taylor has no more legal cards to play," said Richard Dicker, director of the International Justice program. "The time has come for Nigeria to hand Taylor over to the Special Court."

Human Rights Watch also called on the international community to urge Nigeria to surrender Taylor. The United Nations and United States reportedly played a major role in negotiating the agreement that led to Taylor's leaving Liberia and receiving safe haven in Nigeria.

Taylor's lawyers argued that the former Liberian president enjoys immunity from

prosecution for war crimes and crimes against humanity for several reasons. These arguments include that Taylor was a sitting head of state at the time of his indictment and that the Special Court violated an international legal principle that a state cannot assert its authority over another state.

However, the judges ruled that a sitting head of state can be prosecuted by the Special Court. Affirming that the Special Court is an international court, the judges found that it has been established that the principle that a state cannot interfere in the affairs of another state does not bar prosecution of a sitting head of state before an international criminal tribunal or court.

“No one should be above the law when it comes to widespread amputations, murder, and rape,” said Dicker. “This important ruling strengthens the principle that those who commit serious crimes must be held accountable, regardless of their position.”

On child recruitment, conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities is included in the Special Court’s statute as a serious violation of international law that could be prosecuted by the court. However, one of the defendants, Sam Hinga Norman, the leader of Sierra Leone’s Civil Defense Militias and then vice-minister of defense, challenged the authority of the Special Court to try these crimes. He argued that international law did not establish individual criminal responsibility for the offense during the period covered by the court’s authority.

“The lives of thousands of Sierra Leonean children recruited by all sides during the civil war were torn apart by this appalling practice,” said Dicker. “This ruling will make it possible to prosecute the perpetrators.”

#### Background on Charles Taylor and the Special Court

Elected president of Liberia in 1997 after a seven-year war that ousted former president Samuel Doe, Charles Taylor gained notoriety for the brutal abuses against civilians committed by his forces in Liberia, and for his use of child soldiers organized in “Small Boy Units.” Forces supported by Taylor have been involved in conflicts in neighboring Guinea and Cote d’Ivoire. There are credible reports that Taylor remains in frequent contact with members of his former government, and that hundreds of fighters loyal to him are undergoing training in Liberia near the border with Cote d’Ivoire. The U.N. peacekeeping force in Liberia has expressed concern about the allegations of training, but so far has found no evidence to support them.

The Special Court has the power to prosecute those “who bear the greatest responsibility” for serious violations of international humanitarian law and certain violations of domestic law committed in Sierra Leone since November 30, 1996. The United Nations created the Special Court through an agreement with the government of Sierra Leone. Nine senior, indicted war criminals are currently in custody awaiting trial in the court’s detention facility.

For Human Rights Watch’s reports on the widespread and systematic use of sexual violence and other crimes committed in Sierra Leone, see “We’ll Kill You If You Cry: Sexual Violence in the Sierra Leone Conflict,” “Sowing Terror: Atrocities Against Civilians in Sierra Leone,” and “Sierra Leone: Getting Away with Murder, Mutilation, and Rape.” For Human Rights Watch’s letter urging Nigeria to hand Taylor over to the Special Court, please see <http://www.hrw.org/press/2003/11/nigeria-ltr111703.htm>.

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#### Related Material

[We'll Kill You If You Cry: Sexual Violence in the Sierra Leone Conflict](#)

Report

[Letter to President Obasanjo on Bringing Charles Taylor to Justice](#)

Letter, November 17, 2003

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From <http://hrw.org/english/docs/2004/05/31/sierra8629.htm>

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## SIERRA LEONE: Special Court rejects Taylor's appeal for immunity



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**Former Liberian president,  
Charles Taylor**

FREETOWN, 1 Jun 2004 (IRIN) - The UN-backed Special Court for Sierra Leone has rejected an appeal by former Liberian president Charles Taylor for immunity from prosecution for crimes he is alleged to have committed during Sierra Leone's 10-year civil war.

The Appeals Chamber of the Special Court said on Monday, "We hold that the official position of the Applicant as an incumbent Head of State at the time when these criminal proceedings were initiated against him is not a bar to his prosecution by this Court."

The ruling was read out by Justice Emmanuel Ayoola, the president of the Special Court, who is Nigerian.

Taylor was indicted for war crimes committed in Sierra Leone on 4 June 2003 while he was attending the start of peace talks in Ghana with two Liberian rebel movements.

The charges arose from his support for Sierra Leone's Revolutionary United Front (RUF) rebel movement during that country's brutal conflict.

Taylor stepped down as president of Liberia two months after the charges were filed against him and went into exile in Nigeria.

His defence lawyer, Terrence Terry, had appealed to the Court to quash the indictment and set aside an international warrant for Taylor's arrest. He claimed that under customary international law, criminal proceedings cannot be instituted against a sitting head of state.

However, the Appeals Chamber of the Special Court ruled that the sovereign equality of states does not prevent a head of state from being prosecuted before an international criminal tribunal.

Taylor was indicted on 17 counts of war crimes ranging from crimes against humanity and serious violations of international humanitarian law for supporting the RUF and an international arrest warrant was served against him.

Terry had also argued that the Special Court was a national and not an international court and therefore did not have the necessary powers to indict Taylor in the first place.

However, the Appeals Chamber reaffirmed an earlier ruling that the Special Court for Sierra Leone was an international court and not a national court or part of the judicial system of Sierra Leone.



Taylor's defence lawyer had further argued that issuing an arrest warrant on Taylor while he was visiting Ghana was an infringement of that country's sovereignty. That argument was dismissed by the Court on the grounds that any such appeal would have to be made by the government of Ghana itself.

The prosecution, in turn, argued that as a matter of procedure, Taylor could not file any appeal without first making a personal appearance before the court.

The Special Court for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations. It is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

It has so far indicted 13 people, of whom two have since died. The court will begin its first trial on Thursday, when three former leaders of the Civil Defence Force, a militia group which supported President Ahmed Tejan Kabbah during the civil war, will be led into the dock.

Pressure has been mounting on Nigeria to send Taylor to Sierra Leone to stand trial, but Nigerian authorities have maintained that he will only be handed over on the request of the Liberian government.

In Monrovia, a coalition of 80 human rights groups launched a three-month campaign on Monday calling on the transitional government of Liberia to demand Taylor be brought before the Special Court.

"We want this government to make sure that Taylor faces the Special Court for the horrific crimes he has been indicted for," said Aloysius Toe, a well-known Liberian human rights activist who was imprisoned under charges of treason by Taylor's regime in 2002.

However, the chairman of Liberia's transitional government, Gyude Bryant, refused to act on their demands.

"This transitional government will not request that Taylor be removed from Nigeria. His presence there is part of the peace process," Bryant said.

"If Taylor's behaviour in Nigeria derails this peace process, it is a different matter," he concluded.

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## Child recruitment 'was war crime'

By Elizabeth Blunt  
BBC Africa analyst

**The appeals panel of the Special Court for Sierra Leone has ruled that recruiting child soldiers was established as a war crime at the time of the civil war in that country.**

This opens the way for what will be the first ever prosecution for child recruitment at an international war crimes tribunal.

The picture of a child soldier, clutching a gun almost as big as himself, has become the enduring image of West Africa's civil conflicts.

Both sides in Sierra Leone used very young fighters, in defiance of international conventions on the rights of the child, and leaders from both sides now face prosecution.

But former Defence Minister Hinga Norman, who recruited and armed pro-government militias, argued that despite these international conventions, and despite general disapproval of under-age recruitment, it actually was not a war crime under international law at the time the acts were committed.

### Individual responsibilities

One of the appeal judges agreed with him.

But in the end the panel ruled, by a majority of 3-1, that it was indeed internationally recognised as a war crime in 1996, and the prosecution can go ahead.

The decision turned on the exact point at which something accepted as being against an international convention crystallises into a crime for which an individual can be prosecuted.

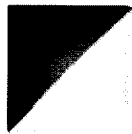
By the time the statute of the International Criminal Court was drawn up in 1998, child recruitment was there in black and white as a serious violation of the laws and customs applicable in international armed conflict.

The appeal judges ruled that the ICC Statute merely codified the existing accepted situation, so Hinga Norman and other defendants can be prosecuted for underage recruitment, even two years previously.

Story from BBC NEWS:  
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/3767041.stm>

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THE LEON H. SULLIVAN  
SUMMIT DINNER



## **Sierra Leone: Special Court Rejects Taylor's Appeal for Immunity**

### **UN Integrated Regional Information Networks**

NEWS

June 1, 2004

Posted to the web June 1, 2004

Freetown

The UN-backed Special Court for Sierra Leone has rejected an appeal by former Liberian president Charles Taylor for immunity from prosecution for crimes he is alleged to have committed during Sierra Leone's 10-year civil war.

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The ruling was read out by Justice Emmanuel Ayoola, the president of the Special Court, who is Nigerian.

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The charges arose from his support for Sierra Leone's Revolutionary United Front (RUF) rebel movement during that country's brutal conflict.

Taylor stepped down as president of Liberia two months after the charges were filed against him and went into exile in Nigeria.

His defence lawyer, Terrence Terry, had appealed to the Court to quash the indictment and set aside an international warrant for Taylor's arrest. He claimed that under customary international law, criminal proceedings cannot be instituted against a sitting head of state.

However, the Appeals Chamber of the Special Court ruled that the sovereign equality of states does not prevent a head of state from being prosecuted before an international criminal tribunal.

Taylor was indicted on 17 counts of war crimes ranging from crimes against humanity and serious violations of international humanitarian law for supporting the RUF and an international arrest warrant was served against him.

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Awoko

Wednesday June 2, 2004

## **Recruitment of child combatants is a crime – says Appeals Chamber**

The Appeals Chamber of the Special Court has ruled that the recruitment of child soldiers is a crime throughout the period of the Court's temporal jurisdiction. The majority decision was reached last Monday. The Defence Counsel were arguing on behalf of Chief Sam Hinga

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### **From Front Page**

Norman, that it was not a crime under international law to recruit child soldiers at the time of the acts alleged in the indictment. Before delivering their judgement, the Judges looked at both the customary law and the international conventions in reaching their conclusion. The Appeal Chamber stated in their decision that, "prior to November 1996, the prohibition on child recruitment had crystallized as customary international law, as demonstrated by the widespread recognition and acceptance of the norm prohibiting child recruitment in these international instruments,

reiterated in the 1990 African Charter on the Rights and Welfare of the child." According to Press Release from the Special Court, the Appeals Chamber found that child recruitment was criminalized before it was explicitly set out as an international crime in treaty law and certainly by the time frame relevant to the indictments. It went on, "the principle of legality and the principle of specificity are both upheld." However, Justice George Gelaga King in a separate opinion found that the Defence had failed in its duty to explain what it meant by "at the time relevant to the indictment." For this reason, Justice Gelaga King felt unable to grant the declaration

request. In a dissenting opinion, Justice Geoffrey Robertson found out that the recruitment of child soldiers was not a crime under international criminal law until July 1998 with the adoption of the Rome Statute that established the International Criminal Court. The preliminary motion was dismissed in accordance with the decision of the majority which means that alleged members of the Civil Defence Forces, whose trial begins in Freetown tomorrow will face charges of child recruitment under Article 4c of the Court's Statute as set out in the indictments against them.

Wednesday June 2, 2004

# Taylor Loses War Crimes Appeal

Former Liberian President Charles Taylor has lost his appeal against being prosecuted for war crimes. The UN-backed Special Court for Sierra Leone ruled that it does have the right to try Mr. Taylor for his alleged role in the 10-year Sierra Leone civil war. Mr. Taylor had argued that he should be entitled to immunity because he was a serving head of state. He is now in exile in Nigeria after stepping down as Liberia's president last August. Mr. Taylor is accused of backing the Revolutionary United Front (RUF) rebels who were notorious for hacking off the limbs of civilians in Sierra Leone during the war, which ended in 2002. He now faces

17 charges of crimes against humanity and other breaches of international law.

## Blood and diamonds

Mr. Taylor's lawyers appealed even before his trial had begun. Among their arguments, they said the court was a national



Taylor has been living in exile in Nigeria

body and therefore its jurisdiction did not extend beyond Sierra Leone. The prosecution says Mr. Taylor backed

the RUF in exchange for diamonds worth hundreds of millions of dollars. An estimated 50,000 people were killed during a decade of fighting and many thousands more were mutilated. The court says it is now up to Nigeria to hand over the former Liberian leader. He has been living in exile in the south Nigerian city of Calabar since stepping down last August as part of a deal to end his own country's civil war. His lawyers say he has no plans to leave. Nigeria has previously rejected calls him to extradite Mr. Taylor, saying giving him asylum was the only way to end 14 years of fighting in Liberia.

MyrtleBeachOnline.com

Posted on Wed, Jun. 02, 2004

## Court: Al Qaeda fugitives took shelter in Liberia

By Edward Harris  
The Associated Press

**FREETOWN, Sierra Leone** - Al Qaeda suspects in the deadly 1998 bombings of two U.S. embassies took shelter in west Africa in the months before the Sept. 11, 2001, attacks, converting terror cash into untraceable diamonds, according to findings of a U.N.-backed court obtained by The Associated Press.

The allegations came as part of the Sierra Leone war crimes court's investigation of former Liberian President Charles Taylor, said to have been a middleman between Al Qaeda and west Africa's multimillion-dollar diamond trade.

"We have in the process of investigating Charles Taylor ... clearly uncovered that he harbored Al Qaeda operatives in Monrovia, [Liberia], as late as the summer of 2001," said David Crane, the court's lead prosecutor. "The central thread is blood diamonds."

Other international investigators said the three suspects are Mohammed Atef of Egypt, Fazul Abdullah Mohammed of Comoros and Sheikh Ahmed Salim Swedan of Kenya. Fazul and Swedan are thought to be in East Africa; Atef was killed in fighting in Afghanistan.

All were on the FBI's most-wanted terrorist list in connection with Aug. 7, 1998, car bombings that killed 231 people at American embassies in Kenya and Tanzania. Al Qaeda claimed responsibility for both attacks.

The three took shelter in Liberia in June and July of 2001, according to the international investigation findings obtained by The Associated Press.

Crane, a veteran U.S. Defense Department lawyer, said he had no information on whether any funds from alleged Al Qaeda diamond dealings were used to carrying out the Sept. 11 attacks in New York and on the Pentagon.

FBI teams have traveled repeatedly to west Africa to investigate allegations of Al Qaeda diamond dealings here.

No charges are known to have been brought in any court as a result of any of the probes into alleged west Africa-Al Qaeda links. U.S. government officials say they have found little or no evidence to support those allegations.

The illicit international trade in so-called blood diamonds draws on generally high-quality gems from Sierra Leone.

The trade helped fund many of west Africa's wars of the 1990s and is under international scrutiny as a suspected means of finance for terror. The United States estimates that between \$70 million and \$100 million still are smuggled out of Sierra Leone each year despite peace and international accords to block illicit trafficking.

U.S. and U.N. authorities and international rights groups have long thought Taylor was a top conduit for smuggled west Africa diamonds. Taylor is accused of using diamonds acquired in Sierra Leone to bankroll the 1989-1996 insurgency that brought him to power in neighboring Liberia.

He is the most prominent of 11 surviving suspects indicted by the U.N.-Sierra Leone court, which opens its first trials Thursday. The tribunal was established to prosecute alleged crimes against humanity during a vicious 10-year war for control of Sierra Leone and its diamond fields.

Charges among the war crimes court's 17-count indictment accuse Taylor of trading guns with and aiding Sierra Leone's insurgency.

Taylor fled Liberia in August, after the international indictments, as armed opposition forces laid siege to his capital and the international community pressed for his departure.



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## Stability returning to Liberia but challenges remain - UN report

1 June 2004 – United Nations troops have made steady progress in stabilizing Liberia and are now deployed almost throughout the country but challenges remain as the country attempts to consolidate peace, Secretary-General Kofi Annan says in a report released today.

Noting a number of positive developments, Mr. Annan hails the establishment of an interim national police force and the launching of the selection of recruits for the new Liberian Police Service.

"The efforts to rehabilitate the judiciary, reform the corrections system and facilitate the extension of State administration throughout Liberia are similarly making progress," Mr. Annan writes. The increasingly stable security situation has resulted in an improved human rights situation and facilitated wider humanitarian access, he adds.

At the same time, the report cautions that "many daunting challenges still lie ahead." The security situation could turn volatile again before the disarmament and demobilization of combatants is completed and the programme for the longer-term, sustained reintegration of ex-soldiers gathers momentum.

In addition, the Government's capacity to deliver services and extend its authority throughout the country remains "extremely limited," the report notes. The country's national resources must be managed properly in order to generate "sorely needed" national revenue.

Mr. Annan also appeals for global assistance for Liberia's peace process. "The programme for the reintegration of former combatants and the repatriation of non-Liberian combatants will equally require the generous support of the international community," he says.

"Without an effective reintegration programme, the entire disarmament, demobilization, rehabilitation and reintegration programme could be seriously undermined, possibly resulting in renewed insecurity in the country," he warns.

# PLP is AFRC transformed not related

... Party tells John Leigh

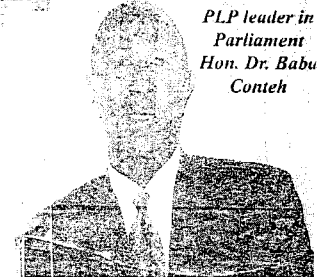
By Osman Benk Sankoh

Peace and Liberation Party (PLP) has in a reply to claims made by Sierra Leone's former Ambassador to

Washington, John Leigh that, "the party continues to be the outlet for grievances deeply held by mostly disgruntled military elements and those

that benefited tremendously from the AFRC," said. "the PLP is AFRC transformed but not AFRC related."

Speaking to Concord Times yesterday, its Organising Secretary, Amadu Bah said, "PLP is an outlet as a third option."



PLP leader in Parliament  
Hon. Dr. Babu Conteh

Concord Times

Wednesday June 2, 2004

He said PLP came after the war and respectable Sierra Leoneans formed it. "It is a revolutionary party," he said and denounced claims by Leigh that the voting pattern painted a gloomy picture for the country.

Bah said this shows that "Leigh is limited in his vision regarding the Sierra Leonean situation." For him, "the voting pattern was beneficial to us as it exposes most of the areas we had wanted Sierra Leoneans to understand."

He stressed that it also exposes political apathy at a very high percentage and, "the lack of adequate preparation on the part of the National Electoral Elections."

Bah said All Peoples Congress (APC) and the Sierra Leone Peoples Party (SLPP) have succeeded in dividing the country and, "it was wrong for Leigh to say we have no policy or programme for the party."

He asserted, "PLP is a Liberal Nationalist party," and called on the erstwhile Ambassador, "to contact us about our policies and programmes."

Bah said Democracy failed, Sierra Leone has failed and it was only a victory for the SLPP and APC as both succeeded in mobilizing their strictly loyal voters to vote them in.